New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. .

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A BILL INTITULED

AN ACT to provide for the Protection of Certain Animals in New Zealand.

Title.

WHEREAS it is expedient to provide for the protection of certain Animals and Birds within New Zealand and the increase arising therefrom and to encourage the importation into the Colony of certain Animals and Birds

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Protection of Certain Animals Act 1865."

Short Title.

II. No deer of any kind hare swan wild goose or wild duck of any imported species whatever partridge English plover rook starling thrush or blackbird shall be hunted shot taken or killed at any time whatever before the first day of May which shall be in the year one thousand eight hundred and seventy and after that day only during the months of May June July and August in any year Provided always that it shall be lawful for the Governor by Order in Council published in the *New Zealand Gazette* to declare as to any part or parts of the Colony that the whole or any of the animals or birds specified in this section or any other animals or birds which may be hereafter proclaimed as under the protection of this Act may be hunted shot taken or killed during the months of May June July and August in each year before the first day of May one thousand eight hundred and seventy.

Deer hares and certain birds not to be hunted taken or killed for a certain time.

Governor may alter protection.

III. No pheasant or quail shall be hunted shot taken or killed except during the months of May June July and August in any year.

Time for killing pheasants and quail.

Wild ducks protected.

IV. No wild duck or pigeon indigenous in the Colony shall be hunted shot taken or killed except during the months of May June July and August in any year Provided always that this section shall have no force or effect except in such portions of the Colony as shall from time to time be declared by the Governor by Order in Council to come within the operation of such section.

Governor may declare that other animals and birds come under operation of this Act.

V. It shall be lawful for the Governor by Order in Council published in the *New Zealand Gazette* to declare as to any parts of the Colony that any other animals or birds not hereinbefore mentioned or the birds specified in the third section of this Act shall be protected and come under the operation of such of the provisions of this Act as may be specified in such Order in Council and from time to time to time to revoke alter or amend such Order in Council.

Shooting &c. on Sunday prohibited.

VI. No person shall hunt shoot take or kill any pheasant or other animal or bird specified in this Act or declared by the Governor as coming under its provisions on any Sunday which shall fall within the months of May June July and August in any year.

Trespassers in pursuit of game liable to penalty.

VII. If any person whatever shall at any time commit any trespass by entering or being upon any land in the search or pursuit of any of the animals which are the subject of this Act such person shall on conviction thereof before a Justice of the Peace forfeit and pay such sum of money not exceeding twenty pounds nor less than two pounds as to such Justice shall seem meet Provided always that any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass.

Animals and birds not to be trapped.

VIII. None of the animals or birds which are the subject of this Act shall be poisoned trapped or taken by means of traps nets springes or by other means than hunting or shooting at any time whatever nor shall any trap net or snare be made erected or set either wholly or in part for the purpose of such trapping or taking.

Persons not to have in possession any such animals or birds.

IX. No person shall have in possession any of the animals or birds which are the subject of this Act except during the months hereinbefore respectively specified without lawful excuse the proof whereof to be on the party charged and any such animal or bird found in possession of any person shall be presumed to have been taken or killed by such person contrary to the provisions of this Act until proof to the contrary be given by such person.

No person shall sell such animals or birds.

X. No person shall sell or offer for sale or buy or offer to buy any such animal or bird except during the months within which it shall be lawful to take or kill any of the said animals or birds respectively or shall take or wilfully destroy any egg of any such bird.

Governor may cause animals &c. to be taken.

XI. It shall be lawful for the Governor to authorize any person or persons to catch or take any such animals or birds or the eggs of any such birds for the purpose of distributing and turning out the same in some other part of the Colony Provided that nothing herein contained shall be deemed to authorize any person or persons to commit a trespass and provided further that no person or persons shall be deemed to be so authorized to catch or take or shall catch or take any animals or birds or the eggs of such birds unless he or they can show a license so to do under the hand of the Governor of New Zealand for the time being and no such license shall in any case have any force or effect for a longer period than twelve calendar months from the date of such license.

Offences how punished.

XII. Every offence against any provision of this Act shall be punished on conviction before a Resident Magistrate or Justice of the Peace by a fine not exceeding twenty pounds nor less than two pounds one half of any such fine to be paid to the person or persons who shall be instrumental in procuring any such conviction in such proportion as the convicting Resident Magistrate or Justice shall specify.

XIII. Nothing in this Act shall extend to prevent the owner or the agent of the owner of any animal or bird which shall be kept in confinement or on any enclosed ground from causing any such animal or bird so kept or confined to be taken or killed.

Act not to apply to such animals or birds kept in confinement.

XIV. Nothing in this Act shall prevent or interfere with the operation of an Act of the Provincial Council of Nelson Session VIII. No. 6 intituled "An Act to provide for the Protection of Certain Animals Birds and Fishes imported into the Province of Nelson."

Act not to affect Act of Provincial Council of Nelson Sess. VIII. No. 6.

XV. The Governor may by Order in Council published in the *New Zealand Gazette* from time to time delegate to any Superintendent of any Province within the said Colony all or any of the powers vested in the Governor or the Governor in Council by this Act subject to such regulations as he may think fit and may from time to time rescind such delegation.

Governor may delegate powers to Superintendents.

XVI. "The Protection of Certain Animals Act 1861" "The Birds Protection Act 1862" and "The Wild Birds Protection Act 1864" are hereby repealed Provided always that all Proclamations Orders in Council or other proceedings under the authority of any of the above recited Acts shall be and remain in as full force and effect as if this Act had not been passed.

Repeal clause.